

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

ANTHONY CURRY,

Plaintiff,

v.

CIVIL ACTION NO. 2:04-0439

JO ANNE B. BARNHART,  
Commissioner of the Social  
Security Administration,

Defendant.

ORDER

By Standing Order entered on May 20, 2002, and filed in this case on May 7, 2004, this action was referred to United States Magistrate Judge Mary E. Stanley for submission of proposed findings and recommendation. Magistrate Judge Stanley submitted her proposed findings and recommendation on June 10, 2005. In that Proposed Findings and Recommendation, the magistrate judge recommended that this court grant in part plaintiff's motion for judgment on the pleadings, deny in part defendant's motion for judgment on the pleadings, reverse the final decision of the commissioner, remand this case for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), and dismiss this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge Stanley's Findings and Recommendation. No party has filed objections within the

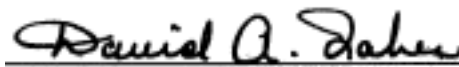
requisite period, and the failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Thomas v. Arn, 474 U.S. 140 (1985); Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Having reviewed the Proposed Findings and Recommendation filed by the magistrate judge, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby GRANTS IN PART plaintiff's motion for judgment on the pleadings (Doc. No. 14), DENIES IN PART defendant's motion for judgment on the pleadings (Doc. No. 18), and REVERSES the final decision of the Commissioner consistent with Magistrate Judge Stanley's proposed findings and recommendation. Further, this court REMANDS this case for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g) and ORDERS that this matter be DISMISSED from the court's docket.

The Clerk is directed to forward a certified copy of this judgment order to all counsel of record.

IT IS SO ORDERED this 13th day of July, 2005.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
Chief Judge